

Appl. No. 10/688,828
Response to Office Action mailed 4/14/2006

REMARKS

Applicant appreciates the recognition of patentable subject matter in the present application and the indication that claims 7, 11-35 and 42 recite allowable subject matter.

Applicant hereby cancels claims 7, 36-39 and 41-42. Accordingly, claims 1-6 and 8-35, 40 and 43-46 are pending in the present application.

Claims 11-16 and 31 stand rejected under 35 USC 112, second paragraph, for indefiniteness. Claims 1-6, 8-10, 36-41 and 43-46 stand rejected under 35 USC 102(b) for anticipation by U.S. Patent No. 5, 106,774 to Hieda et al.

Applicant respectfully traverses the rejection and urges allowance of the present application.

Referring to the indefiniteness rejection of claim 11 and without admitting to the propriety of the rejection, Applicant has deleted "common." Applicant respectfully submits the claim is definite and understood by one of skill in the art and accordingly Applicant requests withdrawal of the indefiniteness rejection. Claim 11 is believed to be in condition for allowance in view of the statement on page 8 of the Office Action and allowance of claim 11 is respectfully requested in the next Action.

Referring to the indefiniteness rejection of claim 31, Applicant has failed to uncover any reference to "bitline" or "common bitline" therein. It appears that the Office intended for the rejection to be applied to claim 35. With respect to claim 35 and without admitting to the propriety of the rejection, Applicant has deleted "common." Applicant respectfully submits the claim is definite and understood by one of skill in the art and accordingly Applicant requests withdrawal of the indefiniteness rejection.

Claim 1 includes the limitations of claim 7. Claim 1 is believed to be in condition for allowance in view of the indication in the Office Action that claim 7 is allowable. Allowance

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of claim 1 is respectfully requested.

The claims which depend from independent claim 1 are in condition for allowance for the reasons discussed above with respect to the independent claim as well as for their own respective features which are neither shown nor suggested by the cited art.

Claim 40 includes the limitations of claim 42. Claim 40 is believed to be in condition for allowance in view of the indication in the Office Action that claim 42 is allowable. Allowance of claim 40 is respectfully requested.

The claims which depend from independent claim 40 are in condition for allowance for the reasons discussed above with respect to the independent claim as well as for their own respective features which are neither shown nor suggested by the cited art.

Regarding the reasons for allowance on pages 8-9 of the Action, Applicant objects to and disagrees with such statements to the extent that such reasons include language not included in some of Applicant's claims. The patent statutes require claims to be presented and interpreted in accordance with what the Applicants regard as their invention. Accordingly, the claims must be read as Applicants regard them (as they are worded). The statements (e.g., see statements with respect to claim 7 and 25-30) as currently worded might be interpreted later as reading limitations into Applicants claims which simply are not there.

Applicant regards aspects of his invention as defined by the claims. MPEP 1302.14 (8th ed., rev. 3) states, in part, that where specific reasons are recorded by the examiner, *care must be taken to ensure that such reasons are accurate, precise, and do not place unwarranted interpretations, whether broad or narrow, upon the claims.* MPEP 1302.14 further provides that the examiner should keep in mind the possible misinterpretations of his or her statement that may be made and its possible effects.

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In accordance with the above, the Examiner must interpret the claims in accordance with their literal wording, and to the extent the Examiner has not already done so, such is mandated now. If the Examiner relies upon allowance based upon language not appearing in the claims, the Examiner must reject the claims and suggest insertion of such language.

Then, Applicants can respond as they deem appropriate. Applicant respectfully requests a telephone call to the undersigned at 509-624-4276 if the reasons for allowance with respect to claims 7 and 25-30 are not withdrawn.

The Examiner is requested to phone the undersigned if the Examiner believes such would facilitate prosecution of the present application. The undersigned is available for telephone consultation at any time during normal business hours (Pacific Time Zone).

Respectfully submitted,

Dated: 7/14/06

By: 
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